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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,167	10/09/2003	Yasuaki Fukada	1248-0674P	6469
2292 7590 06/03/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGUYEN, ANTHONY H	
			ART UNIT 2854	PAPER NUMBER
			MAIL DATE 06/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Application Number 	Application/Control No. 10/681,167 JUDY NGUYEN	Applicant(s)/Patent under Reexamination FUKADA ET AL. Art Unit 2854
Document Code - AP.PRE.DEC		

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 04/09/2008.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.


2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:
 Claim(s) allowed: _____
 Claim(s) objected to: _____
 Claim(s) rejected: 1-17.
 Claim(s) withdrawn from consideration: _____

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) JUDY NGUYEN 

(2) ANTHONY NGUYEN 


 (3) CASSANDRA SPYROU

(4) _____

10/681,167 – Examiner's Comment

In view of applicant's argument, it appears that applicant has narrowly interpreted the term "synchronism" as if it requires the rotation of the two rollers to be started at the same time. However, as broadly interpreted, one roller can start before the other and they can still synchronize with each other. The rotation of intermediate roller 515 of Figure 21 must be in synchronism with the resist roller 504 even if both rollers are not started at the same time. If the rotation of the intermediate roller starts without synchronizing with the resist roller 504, then the paper could be jammed because the resist roller may not be rotating, which would prevent the paper from moving forward. For example, Figure 18 shows that a paper is at resist roller 404 and intermediate roller 415. If their rotations are not synchronizing such as only the intermediate roller is rotating at this point, the paper will be jammed.